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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ANDREW CARTER,

Plaintiff,

v.

RELIABLE REMOVAL SERVICE, INC.,
ROBERT GORDON and EVANS-
GORDON FUNERAL HOME, LLC,

Defendants.

Civil Action No.:

NOTICE OF REMOVAL
(Federal Question)

**TO: THE HONORABLE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Defendants Reliable Removal Service, Inc., Robert Gordon, and Evans-Gordon Funeral Home, LLC (collectively, “defendants”), by and through their attorneys, Shapiro, Croland, Reiser, Apfel & Di Iorio LLP, respectfully say:

1. Plaintiff, Andrew Carter (“plaintiff”) commenced the above-captioned action on or about March 23, 2016, by filing a Complaint in the Superior Court of New Jersey, Law Division, Essex County, entitled Andrew Carter v. Reliable Removal Service, Inc., et. al., Docket No.

ESX-L-2166-16. A true and correct copy of the Complaint is annexed hereto as Exhibit A. Said action is now pending in that Court.

2. In the Fourth Count of the Complaint, plaintiff alleges that defendants violated the Fair Labor Standards Act, 29 U.S.C. §201, et. seq. (“FLSA”), by failing to pay plaintiff the minimum wage and overtime rate of pay.

3. Thus, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1331, and removal is proper pursuant to 28 U.S.C. §1441, in that federal question jurisdiction exists as plaintiff’s Complaint is based, in pertinent part, on allegations that defendants violated the FLSA.

4. Since this Court has original jurisdiction over a federal question, it also maintains supplemental jurisdiction over plaintiff’s State law claims. See Conoshenti v. Public Serv. Elec. & Gas Co., 364 F.3d 135, 140 (3d Cir. 2004); Eli Lilly & Co. v. Roussel Corp., 23 F.Supp.2d 460, 467 (D.N.J. 1998).

5. On April 13, 2016, plaintiff’s counsel sent by Regular Mail to defendants a copy of the Complaint that had been filed on March 23, 2016. Thus, this Notice of Removal is filed within the time provided by 29 U.S.C. §1446(b) and the Federal Rules of Civil Procedure.

6. Upon filing of this Notice of Removal, defendants shall give written notice thereof to Keith Talbot, Esq. of Legal Services of New Jersey, attorneys for plaintiff, and defendants shall file copies of said Notice and Notice of Filing of Removal with the Court Clerk, Superior Court of New Jersey, Law Division – Essex County.

7. By filing this Notice, defendants do not waive any defenses which may be available to them, specifically including but not limited to, the absence of venue in this Court or in the Court from which this action has been removed.

8. The served defendants consent to this Notice of Removal.

WHEREFORE, defendants remove the above-captioned action now pending against them in the Superior Court of New Jersey, Law Division – Essex County, to the United States District Court for the District of New Jersey, wherein it shall proceed as an action originally commenced therein.

Dated: May 12, 2016

A handwritten signature in black ink, appearing to read 'Victoria R. Pekerman', written over a horizontal line.

Victoria R. Pekerman, Esq.

Gregory S. Tabakman, Esq.

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Telephone: (201) 488-3900

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true copy of the foregoing Notice of Removal to be serviced on plaintiff, via prepaid overnight express delivery (FedEx) to:

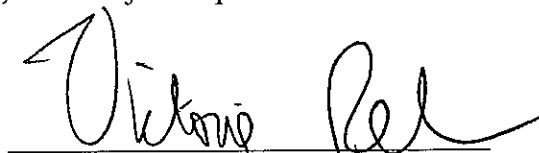
Keith Talbot, Esq.
Legal Services of New Jersey
100 Metroplex Drive – Suite 402
PO Box 1357
Edison, New Jersey 08818
Attorneys for Plaintiff

I hereby further certify that on this date I caused defendants' Notice of Filing of Removal together with a copy of the Notice of Removal to be delivered for filing by prepaid overnight express delivery (FedEx) to:

Clerk of the Court
Superior Court of New Jersey – Law Division
Veterans Courthouse
50 W. Market Street
Newark, New Jersey 07102

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: May 12, 2016


Victoria R. Pekerman, Esq.